



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 12, 2004

U1.6
ITEM NUMBER

SUBJECT: VARIANCE PA-04-06 AND TENTATIVE PARCEL MAP PM-04-114
2325 ORANGE AVENUE

DATE: APRIL 1, 2004

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER
(714) 754-5611

DESCRIPTION

The applicant is requesting approval to subdivide an existing R2-MD lot into two lots with variances from minimum lot width requirements (100 feet required; 80 feet and 60 feet proposed) and minimum lot area requirements (12,000 square feet required; 8,000 square feet and 6,000 square feet proposed).

APPLICANT

The applicant is Joseph Cefalia, who is also the property owner.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE
Associate Planner

PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2325 Orange Avenue Application: PA-04-06 AND PM-04-114

Request: Subdivide an existing R2-MD lot into two lots with variances from minimum lot width requirements (100 feet required; 80 feet and 60 feet proposed) and minimum lot area requirements (12,000 square feet required; 8,000 square feet and 6,000 square feet proposed).

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R2-MD</u>	North: <u>R2-MD (Residences)</u>
General Plan: <u>Medium Density Residential</u>	South: <u>R2-MD (Church & proposed resid. development)</u>
Lot Dimensions: <u>140 FT x 100 FT</u>	East: <u>(Across Orange Ave) I&R-S (School)</u>
Lot Area: <u>14,000 SQ. FT.</u>	West: <u>R2-MD (Church & proposed residential dev.)</u>
Existing Development: <u>Two detached residences</u>	

DEVELOPMENT STANDARD COMPARISON

Development Standard

Required/Allowed

Proposed/Provided

Lot Size:		
Lot Width	100 FT	80 FT (Lot 1) * 60 FT (Lot 2) *
Lot Area	12,000 SQ. FT.	8,000 SQ. FT. (Lot 1) * 6,000 SQ. FT. (Lot 2) *
*A variance has been requested from this requirement.		
CEQA Status:	Exempt, Class 15	
Final Action:	Planning Commission	

Revised 7/96-PLANNING ACTION SUMMARY-COML

BACKGROUND/ANALYSIS

The subject property contains 2 detached 1-story residences which were constructed in the 1950's. Each residence has a detached garage. The R2-MD zoning of the property allows a maximum of three units to be constructed on the property. A 2-story, 26-unit common interest residential development is proposed for the property abutting the site to the south and west under PA-03-47 and TT-16600 (190 E. 23rd Street).

The City's Residential Development Standards were revised in July of 2001. Among those revisions was an increase in minimum lot width for newly subdivided lots in the R2-MD zone from 50 feet to 100 feet, and an increase in the minimum lot size from 7,260 square feet to 12,000 square feet. The purpose of the revisions was to allow newly created lots to accommodate infill residential development and redevelopment, and provide increased flexibility in site design for developments containing multiple units, as well as small lot common interest developments.

The applicant is proposing to subdivide the existing parcel into two lots. Both existing structures are proposed to be retained and rehabbed. Because the proposed lots do not comply with the minimum lot width or lot area for the R2-MD zone, the applicant is requesting approval of a variance. A minor modification is also required for the reduced side yard setback that will be created for the existing residence on Parcel 1 (5 feet required, 4 feet, 9 inches proposed). The minor modification will not be materially detrimental to the subject site or surrounding properties.

City code allows granting a variance where special circumstances applicable to the property exist (such as an unusual lot size, lot shape, topography, or similar features) and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

It is staff's opinion that the existing structures on the site create a special circumstance justifying approval of the variance because the structures are consistent with single-family, rather than multiple-family, detached residences and that subdivision of the lot further reinforces the use of the properties as single-family residences. The use of the properties as single-family residences is also consistent with the objectives of the City's General Plan, which encourages owner-occupied housing, specifically, objective number LU-1A.4. The subject properties will be compatible with the proposed 26-unit common interest residential development abutting the subject properties; in fact, the subject properties will provide greater private open space than what is proposed for the new development (46% average private open space for the proposed 26-unit development; 60% average private open space for the subject properties).

Additionally, if the structures were to be removed and the properties redeveloped at a future point, staff is recommending as a condition of approval that a land use restriction be recorded on both properties stating that no second dwelling unit shall be permitted on either parcel. This requirement is also consistent with the objectives of the City's General Plan, which allows disincentives for development when lot combination is not proposed, specifically, objective number LU-1C.5.

ALTERNATIVES

If the variances and the map are approved, it would allow subdivision of the site as proposed. If the variances and/or map are not approved, the property could not be subdivided. The applicant could not submit the same type of application for 6 months.

CONCLUSION

Although the variance would result in the creation of lots that would not comply with the minimum lot size or lot width for the R2-MD zone, the use of the existing structures as single-family detached residences is consistent with the objectives of the City's General Plan. Therefore staff recommends approval of the variances.

Attachments: Applicant's Project Description and Justification
 Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Location Map
 Plans/Photos

cc: Dep. City Mgr. - Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Joseph Cefalia
1312 Dover Drive
Newport Beach, CA 92660

DESCRIPTION/JUSTIFICATION

Application #: PM-04-114
Address: 2325 Orange

Environmental Determination: Exempt

1. Fully describe your request: I am submitting a tentative Parcel map, with 14,000 sq ft Lot, that I am splitting into two separate lots one at 6,000 sq ft & the other at 8,000 sq ft. In order for each existing home to have its own independent Lot, so they can be sold as separate homes.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Joseph A. Cifalis
Signature

2-12-04
Date

Description/Justification**2325 Orange Avenue - Tentative Parcel Map 2004-114****Response to Question 2.B.**

The proposal is for two separate lots of 6,000 s.f. and 8,000 s.f. A variance is required because the resulting 6,000 s.f. lot is smaller than the required minimum size to contain two R2 units. However, the proposed 6,000 s.f. and 8,000 s.f. lots represent a more desirable development for the City of Costa Mesa for the following reasons:

1. Single family home ownership is very desirable in the City as it improves the aesthetics of the neighborhood and improves property values. The City Council has been very concerned about the minimal amounts of green area and open space on small lot subdivisions and the subject proposal maximizes both.
2. The two proposed lots will contain nice looking homes and will provide a buffer for the view of the 26 lot multifamily development proposed adjacent to this site. The proposed adjacent development is Tentative Tract No. 16600.
3. The two largest lot areas of the proposed Tentative Tract No. 16600 are 5,320 s.f. and 5,304 s.f. This is similar in size to the proposed 6,000 s.f. lot for this development.
4. Tentative Tract No. 16600 has a proposed density of 8.9 dwelling units per acre. If this density were applied to the 14,000 s.f. total size of 2325 Orange Avenue, the resulting number of units would be:

$$8.9 \times (14,000/43,560) = 2.86 \text{ units}$$

Therefore, developing the subject property as an R2 development with three units would lead to even smaller units and higher density than the proposed adjacent development. The City should not require the property to have such a density when a less dense and more desirable development is being proposed.

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING VARIANCE PA-04-06 AND
TENTATIVE PARCEL MAP PM-04-114**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Joseph Cefalia, with respect to the real property located at 2325 Orange Avenue, requesting approval to approval to subdivide an existing R2-MD lot into two lots with variances from minimum lot width requirements (100 feet required; 80 feet and 60 feet proposed) and minimum lot area requirements (12,000 square feet required; 8,000 square feet and 6,000 square feet proposed), as well as a minor modification for the reduced side yard setback that will be created for the existing residence on Parcel 1 (5 feet required, 4 feet, 9 inches proposed), in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Variance PA-04-06 and Tentative Parcel Map PM-04-114 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Variance PA-04-06 and Tentative Parcel Map PM-04-114 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of April, 2004.

Chair, Costa Mesa
Planning Commission

[illegible]

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 12, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The project is compatible and harmonious with uses that exist in the general neighborhood.
 2. Safety and compatibility of the project and other site features have been considered.
 3. The project is consistent with the General Plan, specifically, objective number LU-1A.4.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) as it applies to the requested variances in that there are special circumstances applicable to the property, where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under the R2-MD zoning classification. Specifically, the property contains 2 detached 1-story residences, which were constructed in the 1950's. Both existing structures are proposed to be retained and rehabbed. The existing structures on the site create a special circumstance justifying approval of the variance because the structures are consistent with single-family, rather than multiple-family, detached residences and that subdivision of the lot further reinforces the use of the properties as single-family residences. The use of the properties as single-family residences is also consistent with the objectives of the City's General Plan and compatible with surrounding proposed developments. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property. Therefore, the granting of the variance is consistent with the use, density and intensity of the general plan and land use designations for the neighborhood.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) as it applies to the minor modification in that the improvement will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
- D. The creation of the subdivision and related improvements is consistent with the General Plan and Zoning Code.
- E. The proposed use of the subdivision is compatible with the General Plan.

- F. The subject property is physically suitable to accommodate Parcel Map PM-04-114 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- G. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- H. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- I. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- J. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- K. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Address assignment (2321 and 2325 Orange Avenue) shall be shown on the final parcel map. Street addresses shall be displayed on the front of the houses adjacent to the entry and in a manner visible from the street. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
2. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the recordation of the parcel map. The land use restriction shall state that no second dwelling unit shall be permitted on either parcel. The applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so the document may be prepared.

TENTATIVE PARCEL MAP NO. 2004 - 114

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA

OWNER & SUBDIVIDER
JOSEPH CEPALIA
ADDRESS: 518 WEST BALBOA BOULEVARD
NEWPORT BEACH, CA 92627
(714) 321-6002

ENGINEER:
ROBIN B. HAMERS & ASSOC., INC.
DATE OF SURVEY: DECEMBER, 2003
ROBIN B. HAMERS

ROBIN B. HAMERS & ASSOC., INC.
234 E. 17TH STREET, SUITE 203
COSTA MESA, CA 92627
(949) 548-1182



SITE ADDRESS:
2325 ORANGE AVENUE
COSTA MESA, CA 92627

DATE OF PREPARATION
JANUARY 15, 2004

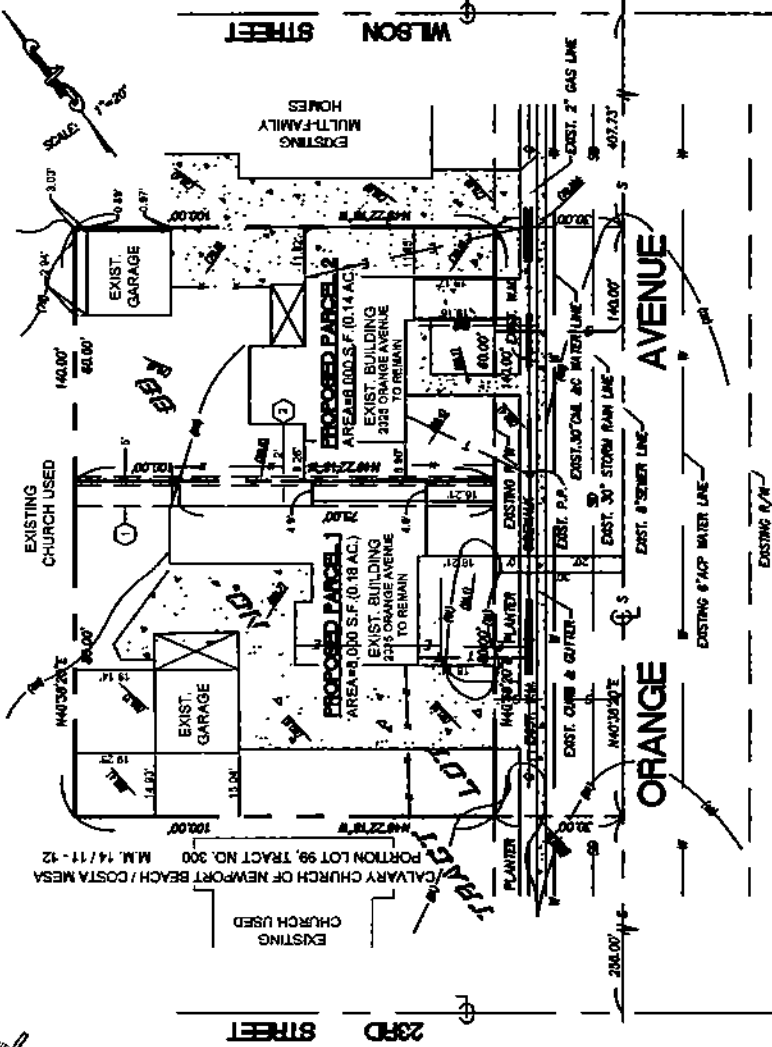
REGISTRATION EXPIRES 12/31/04



VICINITY MAP



CALVARY CHURCH OF NEWPORT BEACH / COSTA MESA
PORTION LOT 99, TRACT NO. 300 M.M. 14 / 11 - 12



SYMBOLS/LEGEND:

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- WATER LINE
- SEWER LINE
- STREET CENTERLINE
- SQUARE FEET
- ACRES
- BACK OF WALK
- TOP OF CURB
- FLOWLINE
- CONCRETE
- EASEMENT LINE
- FENCE LINE
- SPOT ELEVATION
- EXIST. CONTOUR
- OVERHEAD LINES

AREA SUMMARY

PROPOSED PARCEL 1: 8,000 S.F. (0.183 AC.)
PROPOSED PARCEL 2: 4,000 S.F. (0.092 AC.)
GROSS TOTAL AREA OF SITE: 12,000 S.F. (0.275 AC.)

PROPOSED NUMBER OF PARCELS

2

BASIS OF BEARING:

THE CENTERLINE OF ORANGE AVENUE BEING N40°30'20"E AS SHOWN ON TRACT NO. 300, BK. 14, PGS. 11-12.

FLOOD ZONE:

ZONE X, OUTSIDE THE 500 YR. FLOOD BOUNDARIES

LEGAL DESCRIPTION:

A PORTION OF LOT 99 OF TRACT NO. 300, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 14, PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

ASSESSOR'S PARCEL NUMBER

430-261-07

SETBACK REQUIREMENTS:

FRONT SETBACK: 20 FEET
SIDE SETBACK: 5 FEET
REAR SETBACK: 20 FEET

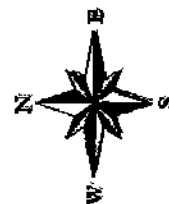
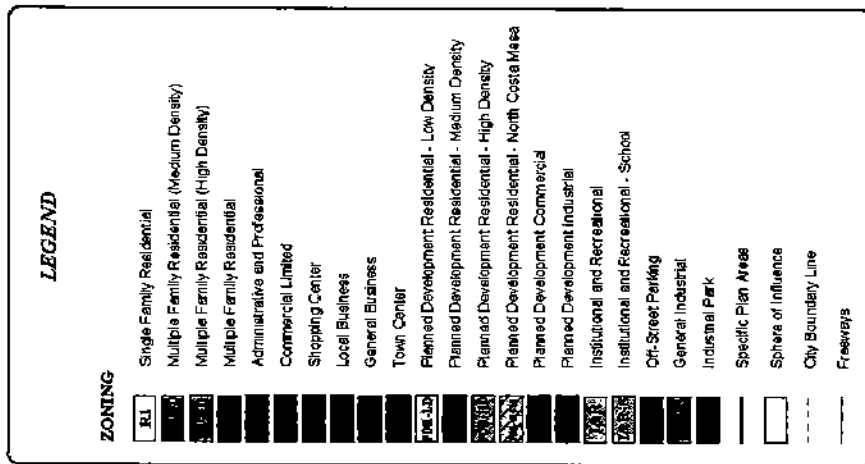
EASEMENTS:

- ① A 5.00' WIDE SOUTHERN CALIFORNIA EDISON EASEMENT FOR CONDUITS AND INCIDENTAL PURPOSES PER O.R. 183724.
- ② A 2.00' WIDE SOUTHERN CALIFORNIA EDISON EASEMENT FOR CONDUITS AND INCIDENTAL PURPOSES PER O.R. 183724.

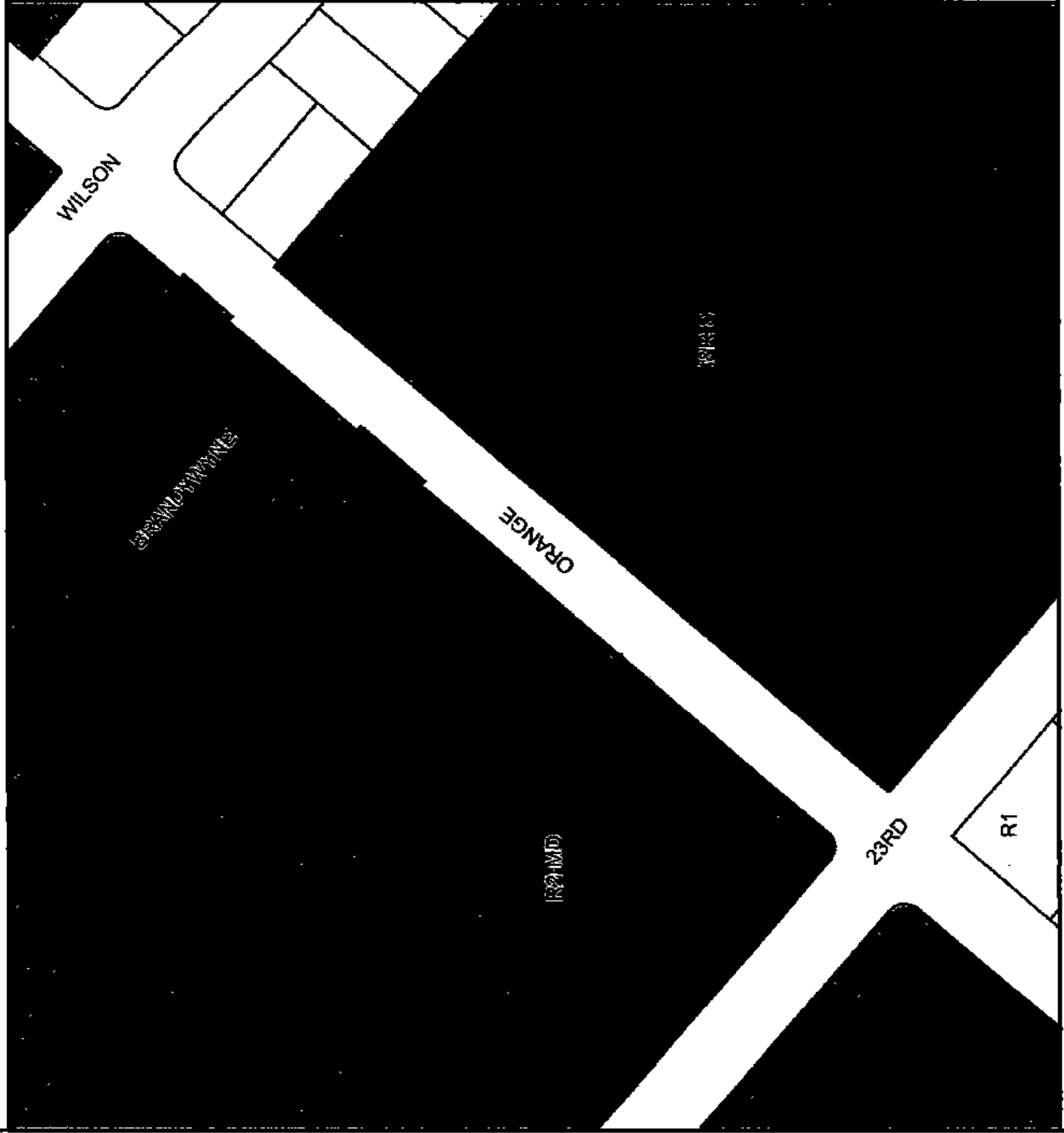
PURPOSE:

THE PURPOSE OF THIS PARCEL MAP IS TO LEGALLY SUBDIVIDE THE PROPERTY INTO TWO PARCELS. NO CONSTRUCTION IS PROPOSED.

13



PA-04-06 and PM-04-114



LEGEND

ZONING	Description
[Light Blue Box]	Single Family Residential
[Medium Blue Box]	Multiple Family Residential (Medium Density)
[Dark Blue Box]	Multiple Family Residential (High Density)
[Light Green Box]	Multiple Family Residential
[Medium Green Box]	Administrative and Professional
[Dark Green Box]	Commercial Limited
[Light Yellow Box]	Shopping Center
[Medium Yellow Box]	Local Business
[Dark Yellow Box]	General Business
[Light Orange Box]	Town Center
[Medium Orange Box]	Planned Development Residential - Low Density
[Dark Orange Box]	Planned Development Residential - Medium Density
[Light Red Box]	Planned Development Residential - High Density
[Medium Red Box]	Planned Development Residential - North Costa Mesa
[Dark Red Box]	Planned Development Commercial
[Light Purple Box]	Planned Development Industrial
[Medium Purple Box]	Institutional and Recreational
[Dark Purple Box]	Institutional and Recreational - School
[Light Grey Box]	Off-Street Parking
[Medium Grey Box]	General Industrial
[Dark Grey Box]	Industrial Park
[Light Green Box]	Specific Plan Areas
[Medium Green Box]	Spheres of Influence
[Dark Green Box]	City Boundary Line
[Light Blue Box]	Freeway

